STATUTORY INSTRUMENTS

1978 No. 1875 (S.164)

ANIMALS

DISEASES OF ANIMALS

The Brucellosis (Scotland) Order 1978

Made - - - -	14*th December* 1978
Laid before Parliament	21*st December* 1978
Coming into Operation	15*th January* 1979

In exercise of the powers conferred upon me by sections 1, 5, 17(2), 19(7) and 85(1) of the Diseases of Animals Act 1950**(a)**, as read with the Transfer of Functions (Animal Health) Order 1955**(b)** and the Diseases of Animals (Extension of Definitions) Order 1971**(c)**, and as extended by section 106(3) of the Agriculture Act 1970**(d)**, and all other powers enabling me in that behalf, I hereby make the following order:—

Citation and commencement

1. This order, which may be cited as the Brucellosis (Scotland) Order 1978, shall apply to Scotland only and shall come into operation on 15th January 1979.

Interpretation

2.—(1) In this order, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

"abortion or premature calving" means an abortion or a calving which takes place less than 271 days after service or insemination, whether the calf is born alive or dead;

"the Act" means the Diseases of Animals Act 1950, as amended or extended by any subsequent Act;

"the appropriate Minister" means—

(*a*) in relation to Scotland, the Secretary of State for Scotland;

(*b*) in relation to England, the Minister of Agriculture, Fisheries and Food; and

(*c*) in relation to Wales, the Secretary of State for Wales.

"brucellosis" means the disease caused by Brucella abortus, otherwise known as epizootic abortion or contagious abortion;

"cattle" means any bull, cow, heifer or calf but does not include any steer unless expressly so provided;

"cattle dealer" means any person whose trade or business regularly includes the selling of cattle purchased by him for the purpose of resale within 28 days, and not for the purpose of rearing, fattening or breeding;

"eradication area" and "attested area" mean respectively an area which is, for the time being, an eradication area or attested area, as the case may be, for purposes connected with the control of brucellosis, by virtue of an order made by the appropriate Minister under section 5 of the Diseases of

(a) 1950 c. 36. (b) S.I. 1955/958. (c) S.I. 1971/531. (d) 1970 c. 40.

Animals Act 1950(a), as extended by section 106(3) of the Agriculture Act 1970(b);

"full term calving" means a calving which takes place 271 days or more after service or insemination, whether the calf is born alive or dead;

"licence" means any licence issued under this order by a veterinary inspector or other officer of the Ministry, or officer of the Secretary of State and includes any permit, approval, or other form of authorisation;

"the Minister" and "the Ministry" mean respectively the Minister and the Ministry of Agriculture, Fisheries and Food;

"notice of intended slaughter" means a notice served in the form specified in Schedule 3 to this order, or in a form substantially to the like effect;

"premises" includes land, with or without buildings, and where any person occupies together land which comprises two or more non-adjacent areas, each of those areas shall be deemed to be separate premises for the purposes of this order;

"reactor" means a bovine animal which gives rise to a reaction consistent with its being affected with brucellosis when tested for that disease either by or on behalf of the appropriate Minister or otherwise, as the case may be, provided that in the case of a test otherwise so carried out the result thereof has been reported to the appropriate Minister;

"slaughterhouse" means a slaughterhouse as defined in section 16 of the Slaughterhouses Act 1954(c);

"knacker's yard" means a knacker's yard as defined in section 3 of the Public Health (Scotland) Act 1897(d), as amended by Schedule 2 of the Slaughter of Animals (Amendment) Act 1954(e);

"steer" means a castrated male bovine animal aged six months or over.

(2) The Interpretation Act 1889(f) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

Declaration of brucellosis eradication and attested areas

3.—(1) The area described in Schedule 1 hereto, being an area as respects which the Secretary of State is satisfied that brucellosis in cattle is for practical purposes non-existent therein, is hereby declared to be an attested area for purposes connected with the control of brucellosis.

(2) The areas described in Schedule 2 hereto, being areas as respects which the Secretary of State is satisfied that a substantial majority of the cattle therein are free from brucellosis, are hereby declared to be eradication areas for the purposes connected with the control of brucellosis.

Application of the order

4.—(1) The provisions of this order shall not apply to an export quarantine station, within the meaning of section 36(1) of the Diseases of Animals Act 1950.

(2) The provisions of this order shall not apply in relation to approved premises, within the meaning of the Importation of Animals Order 1977(g), and shall apply in relation to imported animals only—

(*a*) from the time specified in the licence issued in respect of those animals under article 11(5) of that order; or

(*b*) where the existence or suspected existence of disease in any part of Great Britain makes it expedient that no such licence should be issued

(a) 1950 c. 36. (b) 1970 c. 40. (c) 1954 c. 42. (d) 1897 c. 38.
(e) 1954 c. 59. (f) 1889 c. 63. (g) S.I. 1977/944.

for the time being, from the time when those animals have completed the period of detention in quarantine required under the provisions of that order or, as the case may be, have been rested at an approved reception centre for the period so required.

(3) For the purposes of this order, premises which are situated partly within an eradication area and partly within an attested area to which this order applies, shall be deemed to be situated wholly within the attested area.

Restriction of therapeutic treatment and vaccination

5.—(1) No person shall treat cattle for brucellosis.

(2) No person other than—

(*a*) a veterinary inspector;

(*b*) a veterinary surgeon authorised for the purpose by the Secretary of State;

(*c*) a person to whom a licence has been issued for the purpose by a veterinary inspector, employed by the Minister, and who complies with the conditions (if any) specified in such licence

shall vaccinate cattle against brucellosis.

Movement of cattle into or through an eradication area or an attested area, or on to premises in an eradication area

6.—(1) No cattle shall be moved into an eradication area or an attested area or on to premises within an eradication area except under the authority of a licence issued by a veterinary inspector or other officer of the Ministry or an officer of the Secretary of State, and in accordance with the terms and conditions (if any) subject to which the licence is issued.

(2) The provisions of paragraph (1) above shall not apply to the movement otherwise than on foot of cattle—

(*a*) through an eradication area or an attested area from a place outside that area;

(*b*) into or within an eradication area or into an attested area direct to a slaughterhouse or knacker's yard in that area for the purpose of unloading and slaughter there, prior arrangement having been made therefor;

(*c*) other than a reactor, from premises in Scotland into an eradication area or an attested area direct to premises in that area for the purpose of unloading and sale there, being premises used for the time being in connection with the holding of a market under the authority of a licence issued under article 21 of this order, imposing the condition that no reactor may be admitted to the premises and that cattle may only be sold there for immediate slaughter;

(*d*) under the age of six months into an eradication area direct to premises in that area for the purpose of unloading and sale there, being premises used for the time being in connection with the holding of a market under the authority of a licence issued under article 21 of this order;

(*e*) from one attested area to another attested area on a journey which disregarding any part thereof carried out by sea or air, is wholly carried out over land comprised in an attested area.

(3) When cattle are moved into or through an eradication area or an attested area in circumstances referred to in any of the sub-paragraphs (*a*) to (*d*) of

paragraph (2) above the person in charge of the cattle shall ensure that they do not come into contact with any cattle, other than cattle with which they were in contact immediately before they entered the area, and that they are not (except in cases of emergency) unloaded within the area from the vehicle by means of which they are transported otherwise than as provided for in the relevant sub-paragraphs.

Restrictions on the movement of cattle within an eradication area or an attested area

7.—(1) A veterinary inspector or officer of the Secretary of State, may by notice in writing served at any time on the occupier of any premises situated within an eradication area or an attested area, prohibit the movement of cattle on to or off such premises, except under the authority of a licence or, where a licence has been issued under the preceding article, of a further licence, and in accordance with the terms and conditions (if any) subject to which such licence or further licence is issued.

(2) A notice served in accordance with the provisions of the preceding sub-paragraph shall remain in force until withdrawn by a further notice in writing signed by a veterinary inspector or such other officer as aforesaid, and served as aforesaid.

(3) For the purpose of this article, cattle includes any steer.

8. A licence in respect of premises in an attested area which is issued under the provisions of articles 21 and 22 of this order shall contain a condition prohibiting the movement of cattle, other than cattle to which article 6(2)(*c*) applies, on to or off such premises except under the authority of a licence issued by a veterinary inspector or other officer of the Ministry or an officer of the Secretary of State.

Movement of cattle to temporary accommodation for cattle intended for export

9.—(1) Nothing in article 6 above shall apply to cattle being moved (otherwise than on foot) directly to approved premises.

(2) In this article "approved premises" means approved in accordance with article 3 of the Exported Animals Protection Order 1964**(a)** and also approved in writing for the purpose of this order by a veterinary inspector or officer of the Secretary of State.

Control of slaughterhouses and knackers' yards in an attested area

10. No slaughterhouse or knacker's yard in an attested area, other than a slaughterhouse or yard which has been approved for the purpose of this order by a veterinary inspector, shall be used for the purpose of slaughtering any reactor.

Supplementary provisions as to approvals

11.—(1) An approval given under article 9 or 10 above may be given subject to compliance by the owner or occupier of the premises or, as the case may be, the slaughterhouse or yard to which it relates with such conditions as may be specified in the approval.

(2) Such an approval may by notice in writing served on such owner or occupier be withdrawn or varied at any time by a veterinary inspector or in the case of an approval under article 9, an officer of the Secretary of State but without

(a) S.I. 1964/704.

prejudice to anything lawfully done pursuant to such approval before such withdrawal or variation takes effect.

Testing of cattle for brucellosis

12.—(1) The owner or other person in charge of cattle kept on any premises shall comply with all reasonable requirements of a veterinary inspector or other officer of the Ministry or officer of the Secretary of State with a view to facilitating the examination of any cattle by a veterinary inspector or such other officer or the application thereto of any diagnostic test for brucellosis, and in particular, shall arrange for the collection, penning and securing of any such cattle if so required.

(2) If any person fails to comply with any reasonable requirement of a veterinary inspector or such other officer as aforesaid made in accordance with the provisions of the preceding paragraph, the Secretary of State may, without prejudice to any proceedings for an offence arising out of such default, take or cause to be taken all such steps as may be necessary to facilitate the examination of such cattle or the application thereto of any diagnostic test for brucellosis and the amount of any expenses reasonably incurred by the Secretary of State for the purpose of making good the default shall (without prejudice to any proceedings which may be taken for the default) be recoverable by him as a civil debt from the person in default.

(3) Where the owner or other person in charge of cattle kept on any premises arranges for, or permits, any diagnostic test for brucellosis to be carried out on any such cattle (other than any such diagnostic test which is carried out by or on behalf of the Secretary of State) he shall, after receipt thereof, forthwith communicate the results of such test to the Secretary of State.

(4) The owner or other person in charge of cattle kept on any premises shall not do, or cause to be done, anything which is likely to affect in any way the result of any diagnostic test for brucellosis carried out, or to be carried out, on any such cattle by or on behalf of the Secretary of State.

Marking of cattle

13.—(1) If so required in writing by a veterinary inspector or officer of the Secretary of State the owner or other person in charge of cattle kept on any premises shall mark such cattle in the manner required by the veterinary inspector or such other officer as aforesaid.

(2) A veterinary inspector or such other officer as aforesaid may paint, stamp, clip, tag, or otherwise mark cattle kept on any premises.

(3) No person shall alter, remove, obliterate or deface, or attempt to alter, remove, obliterate or deface any such mark as is referred to in the foregoing provisions of this article.

Notification of abortion or premature calving

14.—(1) Where the owner or other person in charge of cattle kept on any premises has reason to believe that any abortion or premature calving has occurred among such cattle he shall forthwith—

(*a*) give notice of the fact to a veterinary inspector, other officer of the Minister or officer of the Secretary of State; and

(*b*) arrange for the isolation, as far as is practicable, of the animal concerned, and its foetus or calf and placenta, from all other animals in his ownership, or under his charge.

(2) An animal to which the preceding paragraph applies shall remain i isolation and its foetus or calf and placenta shall be retained by the owner c other person in charge of the said animal, until such time as a veterina inspector or officer of the Secretary of State requires, by notice in writir served on that person, the disposal or destruction of such foetus, or calf ar placenta.

(3) A direction under the preceding paragraph may specify the manner i which and the period within which the disposal or destruction of the foetus c calf and placenta to which the direction relates shall be carried out.

Precautions against spread of infection

15.—(1) Where a veterinary inspector or officer of the Secretary of State ha certified that any animal kept on any premises has reacted to a diagnostic tes for brucellosis, the occupier of the premises shall, on being notified of suc certification, take such steps as may be reasonably practicable to prevent th infection of cattle kept on adjoining premises by contact with cattle kept on hi premises.

(2) Where a veterinary inspector or such other officer as aforesaid has reaso to believe that any cattle kept on any premises may be infected with brucellosis or have been exposed to such infection, he may serve on the owner or othe person in charge of such cattle or on the occupier of the premises, a notice i writing requiring him to isolate any cattle specified in the notice from an other cattle or where such an animal dies, specifying the manner of disposal o destruction of the carcase.

(3) A notice served in accordance with the provisions of the precedin paragraph may provide that any cow or heifer on the premises which is about tc calve should, as far as is practicable, be isolated from all other cattle on the premises during the period of calving.

(4) Where a veterinary inspector or such other officer as aforesaid has reason to believe that any cattle kept, or formerly kept, on any premises may be infected with brucellosis, he may—

(*a*) by notice in writing served on the owner or other person in charge of such cattle, or on the occupier of the premises, require him—

(i) to arrange for the isolation of any animal or animals which may be specified in the notice on any part or parts of the premises so specified;

(ii) to ensure that any part or parts of the premises specified in the notice shall not be used by any animal on the premises, or by such animal or animals as may be so specified;

(iii) within a period specified in the notice, to cleanse and disinfect such part or parts of the premises as may be so specified, in the manner (if any) indicated in the notice;

(iv) to treat and store manure or slurry from any place which has been used by such cattle and to restrict the spreading of such manure or the spraying of such slurry in accordance with the requirements of the notice;

(v) to burn, disinfect and bury, or destroy any straw, litter or other matter which has or might have come into contact with such cattle or with the foetus or calf any the placenta of such cattle, in accordance with the requirements of the notice.

(*b*) by notice in writing served on the occupier of the premises require him

to arrange for the cleansing and disinfection of any vehicle, plant or equipment before it leaves the premises.

(5) Where a veterinary inspector or such other officer as aforesaid has reason to believe that any cattle present at, or which have been present at, any slaughterhouse, knacker's yard or any other premises which are used for any show, exhibition, market, sale or fair, may be infected with brucellosis, he may serve on the occupier of such slaughterhouse, knacker's yard or other premises a notice in writing prescribing the manner in which any manure, slurry or other animal waste shall be disposed of.

Notification of full-term calvings in herds affected with brucellosis

16. Where an animal kept, or formerly kept, on any premises has reacted to a diagnostic test for brucellosis, or where a veterinary inspector or officer of the Secretary of State has reason to believe that brucellosis infection exists on such premises, he may serve on the owner or other person in charge of cattle thereon a notice in writing—

(*a*) requiring him to notify the Secretary of State, within such period as may be specified therein, of any full-term calving which may occur among such cattle;

(*b*) specifying the manner in which, and the period within which the disposal or destruction of any placenta relating to such calving and, if it dies at or after birth, the calf, shall be carried out.

Execution of requirements

17. Any person on whom a notice is served under the provisions of articles 14 to 16 shall carry out the requirements thereof at his own expense and if he fails to comply with any of the said requirements the Secretary of State may, without prejudice to any proceedings for an offence arising out of such default, carry out, or cause to be carried out, the work therein specified, and the amount of any expenses reasonably incurred by the Secretary of State for the purpose of making good the default shall (without prejudice to any proceedings which may be taken for the default) be recoverable by him as a civil debt from the person in default.

Control of milk and milk products

18.—(1) No milk or dairy by-product (other than milk or a dairy by-product produced by an accredited herd) shall be brought on to any premises on which any cattle are kept, for the purpose of processing or bottling on such premises, or of feeding to animals thereon, unless such milk or dairy by-product has been—

(*a*) converted into powdered form, boiled or otherwise heat treated; or

(*b*) brought on to the premises under the authority of a licence issued by a veterinary inspector or officer of the Secretary of State, and in accordance with the terms and conditions (if any) subject to which the licence is issued.

(2) Notwithstanding the provisions of the preceding paragraph, where a veterinary inspector or officer of the Secretary of State has reason to believe that any milk or dairy by-product produced by an accredited herd may be infected with brucellosis he may serve on the occupier of any such premises a notice in writing prohibiting any such milk or dairy by-product from being brought on to such premises.

(3) No milk from a reactor or from any other animal otherwise considered by a veterinary inspector to be infected with brucellosis kept on any premises

shall be fed to other animals on the same premises unless such milk has bee heat treated.

(4) For the purpose of this article—

(*a*) "accredited herd" means a herd of cattle in Great Britain which, t the satisfaction of the appropriate Minister either—

(i) has been found to be free from brucellosis by means of a serie of diagnostic tests carried out by him or on his behalf; or

(ii) has been wholly constituted by the transfer of animals from othe accredited herds in Great Britain or from such similar herd outside Great Britain as the appropriate Minister may eithe generally, or in any special case, allow; and

(*b*) "heat treated" means pasteurised, sterilised or ultra heat treated.

Manure, slurry, etc.

19. No manure, slurry, slaughterhouse, knacker's yard or other animal waste shall be brought on to any premises on which cattle are kept, except under the authority of a licence issued by a veterinary inspector or officer of the Secretary of State and in accordance with the terms and conditions (if any) subject to which the licence is issued.

Restrictions on use of semen

20. A veterinary inspector or officer of the Secretary of State may, by notice in writing served on the owner or other person in charge of cattle kept on any premises prohibit the use of semen among such cattle, or restrict its use to the extent specified in the notice.

Shows, markets, exhibitions, etc.

21.—(1) No premises shall be used in connection with the holding of any show, exhibition, market, sale or fair at which cattle are to be present except under the authority of a licence issued by a veterinary inspector or officer of the Secretary of State and in accordance with the terms and conditions (if any) subject to which the licence is issued.

(2) Where a veterinary inspector or officer of the Secretary of State has reason to suspect that any animal on any premises at which a show, exhibition, market, sale or fair is being held, is infected with, or has been exposed to the infection of, brucellosis, he may require the animal to be removed from those premises, and (as the owner or other person in charge of the animal may elect) taken either—

(*a*) to a slaughterhouse or knacker's yard for immediate slaughter; or

(*b*) back to the premises from which the animal was brought to the show, exhibition, market, sale or fair; or

(*c*) to such premises as may be approved by him for the purpose.

(3) If the premises to which an animal is to be removed in accordance with the provisions of sub-paragraphs (*b*) or (*c*) of the preceding paragraph are situated within an eradication area or attested area, the animal shall only be removed thereto on condition that it is immediately put into isolation for a period to be terminated by a notice in writing served on the owner or other person in charge of the said animal by a veterinary inspector or officer of the appropriate Minister.

Control of premises used by cattle dealers

22.—(1) No premises shall be used by a cattle dealer for the keeping of cattle in connection with his business as a dealer, other than premises which have been

approved for the purpose by a veterinary inspector or officer of the Secretary of State.

(2) Any such approval as is referred to in the preceding paragraph may be given subject to compliance by the owner or occupier of the premises to which it relates with such conditions as may be specified therein.

Animals other than cattle

23. A veterinary inspector or officer of the Secretary of State may, by notice in writing served on the owner or other person in charge of cattle kept on any premises or on the occupier of any premises, require him to take such steps as may be specified in the notice to ensure that such cattle do not come into contact with any other animals on the premises.

Power to slaughter on account of brucellosis

24. Section 17 of the Act (which enables the Secretary of State to slaughter animals on account of disease, on payment of compensation) shall apply to brucellosis.

Notice of intended slaughter

25.—(1) Where the Secretary of State proposes to cause any cattle kept on any premises to be slaughtered under the powers conferred by section 17 of the Act in its application to brucellosis, a veterinary inspector may serve a notice of intended slaughter on the owner or other person in charge of the cattle informing him of the proposed slaughter and requiring him to detain any animal pending its slaughter (or pending its surrender and removal for such slaughter) on such part of the premises as is specified in the notice and to isolate it as far as practicable from such other animals as are so specified.

(2) The person on whom such a notice has been served—

(*a*) shall comply with the notice; and

(*b*) shall not move the animal, or cause or permit it to be moved, off the part of the premises on which it is required to be detained, except under the authority of a licence issued by a veterinary inspector or officer of the Secretary of State.

Assistance in securing animals

26.—(1) Where the Secretary of State proposes to cause any cattle kept on any premises to be slaughtered under the powers conferred by section 17 of the Act in its application to brucellosis, the owner or other person in charge of the cattle shall comply with all reasonable requirements of a veterinary inspector or officer of the Secretary of State as to the collection, penning and securing of any animal for identification and inspection in connection with the ascertainment of its value and as to the collection of the animal for removal for slaughter.

(2) If the owner or other person in charge of cattle fails to comply with such a requirement as is mentioned in paragraph (1) above, the Secretary of State may carry out the requirement, without prejudice to any proceedings for an offence arising out of the default and may on demand recover from the person in default as a civil debt the reasonable expense of so doing.

(3) Nothing in this article shall affect the powers of entry and other powers conferred by sections 6 and 73 of the Act.

Production of licences

27. Where, under the provisions of this order, a licence is required for the movement of cattle, the person in charge of any cattle being so moved shall, on

demand made under this order by a veterinary inspector or officer of the Secretary of State or by an inspector of a local authority or police constable, produce the licence, and allow a copy thereof or extract therefrom to be taken, and shall also if required, furnish his name and address.

Offences

28. The contravention of any provision of this order, or of any notice served or licence issued thereunder, or the failure to comply with any conditions of any such notice or licence, or the causing or permitting of any such contravention or non-compliance, or, in the case of a cattle dealer, the use of any premises contrary to article 22(1) of this order, or contrary to any condition subject to which such premises are approved, or the use of any slaughterhouse or knacker's yard contrary to article 10 of this order, shall be an offence against the Diseases of Animals Act 1950.

Local authority to enforce order

29. This order shall, except where otherwise expressly provided, be executed and enforced by the local authority.

Revocation and savings in part of existing orders

30.—(1) The orders specified in Schedule 4 hereto are hereby revoked.

(2) Nothing in this revocation shall affect any movement of cattle or approval or any other thing done under any provision of any order revoked by this order and every such approval shall continue in force until withdrawn by a veterinary inspector or by an officer of the Secretary of State.

Bruce Millan,
One of Her Majesty's Principal Secretaries of State.

New St. Andrew's House,
Edinburgh.
14th December 1978.

Article 3(1)

SCHEDULE 1

ATTESTED AREA

The Central Region
The Dumfries and Galloway Region
The Fife Region
The Highland Region
The Orkney Islands Area
The Shetland Islands Area
The Western Isles Islands Area.

In the Strathclyde Region, the Districts of
Argyll and Bute (including all islands situated therein)
Bearsden and Milngavie
Clydebank
Cumbernauld and Kilsyth
Cumnock and Doon Valley
Cunninghame
Dumbarton
Eastwood
Inverclyde
Kilmarnock and Loudoun
Kyle and Carrick
Renfrew and
Strathkelvin.

In the Tayside Region, the District of Perth and Kinross.

Article 3(2)

SCHEDULE 2

ERADICATION AREAS

A. An area comprising—
The Grampian Region
In the Tayside Region, the Districts of
Angus, and
City of Dundee.

B. An area comprising—
The Borders Region
The Lothian Region
In the Strathclyde Region, the Districts of—
City of Glasgow
East Kilbride
Hamilton
Lanark
Monklands and
Motherwell.

Articles 2(1) *and* 25

SCHEDULE 3

DISEASES OF ANIMALS ACT 1950

DEPARTMENT OF AGRICULTURE AND FISHERIES FOR SCOTLAND

THE BRUCELLOSIS (SCOTLAND) ORDER 1978

Notice of Intended Slaughter

To..... Herd Ref. No.....

of .....
.....
.....

I, the undersigned, being a Veterinary Inspector appointed by the Minister of Agriculture, Fisheries and Food, hereby give notice that the Secretary of State proposes to cause the following cattle to be slaughtered with all convenient speed under the powers conferred by section 17 of the above Act in its application to brucellosis, namely:

(*a*) affected animals and reactors (see Note 2 below)
kept at.....
.....

(*b*) other animals (see Note 2 below)
kept at.....
.....

I require you, pending such slaughter (or pending surrender and removal for such slaughter), to detain the animal(s) specified above in.....
.....
.....
being part of the premises where it is/they are now kept, and to keep it/them isolated as far as practicable from other cattle.

Dated..... 19....

Signed.....
Veterinary Inspector of the Ministry of Agriculture, Fisheries and Food.

NOTE 1: In accordance with Article 15(1) of the Brucellosis (Scotland) Order 1978 you are required to take such steps as may be reasonably practicable to prevent the infection of cattle kept on adjoining premises by contact with cattle kept on your premises.

NOTE 2: The Brucellosis and Tuberculosis Compensation (Scotland) Order 1978 defines affected animals and reactors and fixes rates of compensation for them and for other cattle which are slaughtered as a result of being exposed to the infection of brucellosis.

Article 30(1) SCHEDULE 4

The Brucellosis (Area Eradication) (Scotland) Order 1971	S.I. 1971/1752
The Brucellosis (Area Eradication) (Scotland) Amendment Order 1972	S.I. 1972/738
The Brucellosis (Eradication Areas) (Scotland) Order 1972	S.I. 1972/759
The Brucellosis (Eradication Areas) (Scotland) (No. 2) Order 1972	S.I. 1972/760
The Brucellosis (Area Eradication) (Scotland) Amendment (No. 2) Order 1972	S.I. 1972/1219
The Brucellosis (Scotland) Order 1972	S.I. 1972/1539
The Brucellosis (Eradication Areas) (Scotland) Order 1973	S.I. 1973/100
The Brucellosis (Eradication Areas) (Scotland) (No. 2) Order 1973	S.I. 1973/2182
The Brucellosis (Eradication Areas) (Scotland) Order 1974	S.I. 1974/839
The Brucellosis (Eradication Areas) (Scotland) Order 1975	S.I. 1975/154
The Brucellosis (Area Eradication) (Scotland) (Amendment) Order 1975	S.I. 1975/1332
The Brucellosis (Eradication Areas) (Scotland) (Amendment) Order 1975	S.I. 1975/1333
The Brucellosis (Attested Areas) (Scotland) Order 1975	S.I. 1975/1334
The Brucellosis (Eradication Areas) (Scotland) (No. 2) Order 1975	S.I. 1975/1702
The Brucellosis (Attested Areas) (Scotland) (Extension) Order 1976	S.I. 1976/1117
The Brucellosis (Eradication Areas) (Scotland) (Amendment) Order 1976	S.I. 1976/1118
The Brucellosis (Eradication Areas) (Scotland) (Amendment) (No. 2) Order 1976	S.I. 1976/1604
The Brucellosis (Area Eradication) (Scotland) Amendment Order 1977	S.I. 1977/958
The Brucellosis (Attested Areas) (Scotland) (Extension) Order 1977	S.I. 1977/1132
The Brucellosis (Eradication Areas) (Scotland) Amendment Order 1977	S.I. 1977/1133
The Brucellosis (Attested Areas) (Scotland) Extension Order 1978	S.I. 1978/206
The Brucellosis (Eradication Areas) (Scotland) Amendment Order 1978	S.I. 1978/207
The Brucellosis (Area Eradication) (Scotland) Amendment Order 1978	S.I. 1978/663
The Brucellosis (Eradication Areas) (Scotland) Amendment (No. 2) Order 1978	S.I. 1978/943
The Brucellosis (Attested Areas) (Scotland) Extension (No. 2) Order 1978	S.I. 1978/944

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order revokes and substantially re-enacts a number of previous Orders and amending Orders concerned with the eradication and control of brucellosis in cattle.

(1) Under section 5 of the Diseases of Animals Act 1950, the Secretary of State may make an Order in respect of Scotland (acting jointly with other Ministers or alone according to the disease in question) declaring any area to be an eradication area for purposes connected with the control of a particular disease, if he is satisfied that a substantial majority of the cattle in that area are free from that disease, and for similar purposes, he may declare an area to be an attested area if he is satisfied that that disease of cattle is for practical purposes non-existent therein. In relation to brucellosis, the provisions of section 5 of the 1950 Act have been extended by section 106(3) of the Agriculture Act 1970, so as to give the Secretary of State additional powers to impose in respect of cattle in a brucellosis eradication or attested area such other prohibitions or requirements as he may consider necessary or desirable for the purpose of eradicating that disease.

This Order—

(*a*) prohibits in an eradication or an attested area, the treatment of cattle for brucellosis by any person and the vaccination of cattle against brucellosis except under official arrangements or under licence;

(*b*) prohibits the movement of cattle into an eradication or attested area, except cattle moving under licence, going direct to a slaughterhouse or knacker's yard, or on certain transit journeys; in the case of an eradication area, unlicensed movement of calves to a suitably licensed market from outside the area is allowed; unlicensed movement of adult stock to a fatstock market is permitted with certain exceptions;

(*c*) prohibits the movement of cattle within an eradication area except under licence, subject to the exceptions mentioned in (*b*) above;

(*d*) contains a power to prohibit the movement of cattle on to or off specified premises in an eradication or attested area;

(*e*) contains a requirement in attested areas for the prior approval of slaughterhouses and knacker's yards which are to handle any animal that has reacted to a diagnostic test for brucellosis;

(*f*) provides for the control and licensing of premises used for a show, market, etc., or for dealing in cattle; and

(*g*) contains ancillary provisions designed to prevent the introduction or spreading of brucellosis, including the examination and testing of cattle for the disease.

(2) Under section 17 of the Diseases of Animals Act 1950, the Secretary of State for Scotland may make an order providing for the slaughter of animals on account of brucellosis, on payment of compensation.

This Order provides that where the Secretary of State proposes to cause cattle in an eradication or attested area to be slaughtered, he can serve notice requiring them to be detained and isolated until this is done. The person in charge of such cattle can be required to collect, pen and secure them for valuation, and subsequently for removal for slaughter, and in default the Secretary of State can carry out the requirement and recover from him the reasonable expenses of doing so.

(3) Lastly, since under previous orders any place in Scotland was either in an eradication area or in an attested area, the order revokes all those orders previously declaring eradication or attested areas and divides Scotland into an attested area and two eradication areas. The order provides that the attested area will be extended as from 15th January 1979 to include—

The Dumfries and Galloway Region

In the Strathclyde Region, the Districts of
Cumnock and Doon Valley
Kilmarnock and Loudoun,
Kyle and Carrick
and the remainder of Cunninghame

and that the two remaining eradication areas shall be as follows—

(*a*) an area comprising the Grampian Region and the Districts of Angus and City of Dundee, and

(*b*) an area comprising the Borders and Lothian Regions and the Districts of City of Glasgow, East Kilbride, Hamilton, Lanark, Monklands and Motherwell.

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